

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MATTI JOKIMIES

Appeal No. 2004-1677
Application 09/028,726¹

ON BRIEF

Before BARRETT, RUGGIERO, and LEVY, Administrative Patent Judges.
BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-10.

We affirm.

¹ Application for patent filed February 24, 1998, entitled "Cell Prioritising in a Cellular Radio System," which claims the foreign filing priority benefit under 35 U.S.C. § 119 of Finland Application 970855, filed February 28, 1997.

BACKGROUND

The invention relates to routing of radio communication between base stations and terminals in a cellular radio system. In particular, the terminals can be individually controlled to give priority to a particular base station.

Claim 1 is reproduced below.²

1. A cellular radio system, which comprises terminals, cells, and a network including stationary network equipment, of which said terminals are arranged to set up and maintain radio communication with base stations in the cells, wherein at least one terminal is arranged to favor at least one cell based on data specific to that terminal stored in and received from the network.

THE REFERENCES

The examiner relies on the following references:

Wang et al. (Wang)	5,649,289	July 15, 1997
Chavez, Jr. (Chavez)	6,018,666	January 25, 2000
		(filed August 30, 1996)

Digital cellular telecommunications system (Phase 2); Functions related to Mobile Station (MS) in idle mode (GSM 03.22), European Telecommunication Standards Institute (ETSI), ETS 300 535, May 1996, Third Edition (hereinafter called "ETSI").

THE REJECTIONS

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chavez.

Claims 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chavez and Wang.

² The word "communication" has been inadvertently omitted in the copy of claim 1 in the appendix to the brief.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chavez and Wang, further in view of ETSI.

We refer to the final rejection (Paper No. 25) (pages referred to as "FR__") and the examiner's answer (Paper No. 30) for a statement of the examiner's rejection, and to the brief (Paper No. 29) (pages referred to as "Br__") and reply brief (Paper No. 32) (pages referred to as "RBr__") for a statement of appellant's arguments thereagainst.

OPINION

Claims 1-4, 6, and 7

The issue to be decided is one of claim interpretation. Appellant argues that "data specific to that terminal" requires terminal-specific data, where (Br6)

Terminal-specific means that the information has been created [with] only that one specific terminal in mind. The information is unique to that terminal and potentially different from corresponding information specific to all other terminals. This is what the present invention is about. In Chavez and the like, the information about allowable base stations pertains to certain terminals, because it is common to these terminals that they all must behave according to the rules laid down in said pertaining information. But since the rules, i.e., the list of allowable base stations, is the same for all of these terminals, it is not terminal-specific.

The examiner responds (EA4):

Examiner maintains that the claimed limitation of 'data specific to that terminal' does not require nor indicate that the information has been created with only that terminal in mind and as such Chavez's teaching of a wireless terminal consulting an internal list of base stations on which it is allowed to register, this list being transmitted from the wireless switching system (network)

when the wireless terminal registers on the wireless switching system (see col. 3, lines 1-45) meets the claimed limitation of 'at least one terminal is arranged to favor at least one cell based on data specific to that terminal stored in and received from the network'. Examiner maintains that, at the time the terminal consults the internal list, that list is specific to that terminal and includes tenant identification numbers identifying tenants' whose base stations a mobile station is allowed to or can use.... [T]he feature of 'terminal-specific' meaning that 'the information has been created with only that specific terminal in mind' are [sic] not recited in the claims.

Appellant replies (RBr1): "[T]he list of Chavez would be exactly the same for each mobile station (or wireless terminal) assigned to the tenant in question. Thus, such an internal list is not terminal-specific."

Thus, appellant interprets the limitation of "data specific to that terminal" to mean that the information has been created with only that one specific terminal in mind, whereas the examiner states that this is not claimed and interprets that "data specific to that terminal" does not preclude the data from being specific to other terminals as well. Appellant does not dispute that Chavez meets the limitations of independent claims 1, 4, and 6 if the examiner's interpretation is correct.

We conclude that the examiner's claim interpretation is reasonable. The limitation of "at least one terminal is arranged to favor at least one cell based on data specific to that terminal" does not contain any special terms that are defined in the specification and so must be given its broadest reasonable interpretation. The limitation "data specific to that terminal"

does not say that the data is specific to only that one terminal and, so, does not preclude more than one terminal having the same data. We find the limitation is met as long as there are terminals that contain data specific to those terminals and not to other terminals. The limitation of "data specific to that terminal" would not be met if all terminals contained the same data, but this is not the case here.

Chavez is directed to a wireless telecommunications system providing shared service for a number of distinct user groups (col. 1, lines 4-7). A number of tenants 117-123 occupy space within a common building, such as an office building or airport, and each tenant has one or more base stations 102-116 interconnected to wireless switching system 101. Each base station of a tenant group is dedicated to serving wireless terminals designated by the tenant. Each wireless terminal must register with a base station to be able to connect. A tenant 121 having base stations 102 and 103 may make its base station available to not only its own tenant wireless terminals but to all wireless terminals authorized to connect to the wireless switching system 101. Thus, a wireless terminal 124 associated with base stations 112 and 113 of tenant 118 can register base stations 112 and 113 and base stations 102 and 103. Similarly, a wireless terminal 126 associated with base stations 114 and 116 of tenant 119 can register base stations 114 and 116 and base

stations 102 and 103. When a wireless terminal 124 is searching for a base station on which to register, it consults an internal list of base stations on which it is allowed to register. The list of base stations is transmitted to wireless terminal 124 by wireless switching network 101 when wireless terminal 124 registers on wireless switching system 101 and requests the list. In a related embodiment, each base station may periodically transmit the tenant identification number for which base station is providing the service and which identifies the tenants on whose base stations a wireless terminal may use. The tenant identification number may be downloaded to the wireless terminal when the wireless terminal first registers on wireless switching system 101. See Fig. 1; col. 2, line 46, to col. 3, line 25.

Wireless terminal 124 meets the limitation of "one terminal is arranged to favor at least one cell based on data specific to that terminal" because it can register with base stations 112 and 113 of tenant 118 as well as base stations 102 and 103 of tenant 121 based on data sent to the terminal from wireless switching system 101, while wireless terminal 126 does not contain this specific information. Accordingly, we sustain the anticipation rejection of claims 1-4, 6, and 7.

Appeal No. 2004-1677
Application 09/028,726

Claims 5 and 8-10

Appellant argues that neither Wang nor ETSI cure the deficiencies of Chavez as to the independent claims (Br7; RBr2). Since we find that Chavez does anticipate the independent claims, this argument is not persuasive.

Appellant further argues that the examiner has not shown a teaching or suggestion to combine the references (Br7). The examiner did provide reasoning for combining the references (FR4-5). Appellant has not attempted to point out the error in that reasoning and the mere argument that there is no motivation to combine is not persuasive of error.

For these reasons, we find that appellant has not shown error in the examiner's rejection. The rejections of claims 5 and 8-10 are sustained.

Appeal No. 2004-1677
Application 09/028,726

CONCLUSION

The rejections of claims 1-10 are sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (2004).

AFFIRMED

LEE E. BARRETT)	
Administrative Patent Judge)	
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)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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STUART S. LEVY)	
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Appeal No. 2004-1677
Application 09/028,726

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